

Issue Brief: African Americans and First Amendment Rights (Free Speech and Religion)

Key Words (4-6)

African Americans, African American Civil Rights Movement, Social Movement, The First Amendment, “the Black Church”, African American Spirituality

Description (2 sentences)

This issue brief sets out to outline the African American Civil Rights Movement in the 1950's and 1960's and how it utilized the First Amendment rights of freedom of speech and freedom of religion allowed the movement to garner national attention and serve as a catalyst for progressive policy implementation. This brief also examines how the aspect of religion in the form of participation and alignment with the “Black Church” not only created powerful leaders that were necessary for such a movement but also served as a vehicle through which and a network upon which a social movement as the Civil Rights Movement could occur.

Key Points (4-6)

- After centuries of subjugation, African Americans made leaps towards institutional, if not actual, equality through the efforts of the Civil Rights Movement.
- The fruits of the labors of the Civil Rights Movement were manifested in the passage of legislation such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Civil Rights Act of 1968.
- The Civil Rights Movement was indeed a social movement as it utilized extensive social networks, had dynamic leadership, tapped outside resources, and had a specific set of tactics.
- The “Black Church” was a unique instrument in the success of the Civil Rights Movement as it provided a preexisting framework in an already defined community on which a social movement could take root.
- The active participation of the “Black Church” in the Civil Rights Movement created dynamic leaders that enjoyed a dual status as both a movement and a church leader.
- The Movement also entailed an aspect of African American spirituality, which helped maintain morale and unify participants while also grounding them in their historical roots and calling for peaceful methods of petition.

Images (2-4)



Martin Luther King Jr. at the historic March on Washington on August 28, 1963 where he gave his famous “I Have a Dream” speech advocating racial harmony at the Lincoln Memorial. This event provides us with some of the most memorable images of the Civil Rights Movement.

Issue Brief

In the United States, African Americans are perhaps the most historically notable minority group that now constitutes 12% of the American population (US Census Bureau). After first arriving to America as indentured servants, racial sentiments concerning genetic inferiority and mental capacity arose as well as a system of racial slavery as labor needs (particularly in the South) continually increased. With the end of the Civil War came the proclaimed end slavery but a political environment, in which African Americans were subjugated to institutional racism in the form of segregation and voting restrictions as prescribed by Jim Crow laws, which perpetuated the usage of separate but equal facilities and required poll taxes and literacy tests for voting, emerged. However, after decades of suffering, African Americans gained institutional equality as the valiant efforts of the African American Civil Rights Movement (1955-1968) brought about progressive policy implementation (i.e. the Civil Rights Act of 1964 that outlawed racial segregation in schools and public accommodations and extended voting rights) that sought to make all men equal.



A picture of President Lyndon B. Johnson signing the Civil Rights Act of 1964 with several prominent civil rights activists such as Martin Luther King Jr. standing behind him. The Act was a monumental step the fight for equality for African Americans.

The First Amendment to the Constitution states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” Therefore, as this amendment not only allows for but also protects individual freedom of religion, freedom of speech, and, innovatively, freedom to petition the government, it is not surprising that this amendment was the basis for the Civil Rights Movement. Interestingly, this movement relied heavily on the first two aspects of the First Amendment in the vein of strong vocal leaders, such as Martin Luther King Jr. and Malcolm X, and the usage of religion in the form of not only the “black church” but also in the greater sense of African American spirituality in order to effectively petition the government’s racist policies in the mid-20th century.



This is an image of the 16th Street Baptist Church in Birmingham, Alabama. The church served as the headquarters for the Children’s Crusade in 1963. In the same year, the church was bombed in a terrorist attack by Ku Klux Klan members killing four little black girls.

The structure and framework of the Civil Rights Movement formed on the basis of the black church in the South while the mentality and morale of the participants was kept afloat by ideals associated with African American Spirituality. It is important to note that the Civil Rights Movement was a social movement. As political scientists, McClain and Stewart, suggest the Civil Rights Movement should be considered a successful social movement as it tapped a reservoir of social organizations, had catalytic leadership, elicited outside resources, and finally had a set of tactics and strategy. Therefore, it was inevitable that the social movement pertaining to African Americans that originated in the South was rooted in practically the only institution in which African Americans were essentially a part of and had already created a vast social network: the black church. The Baton Rouge Boycott of June 1953 exemplifies this extensive network as “this boycott drew on the black churches for the masses of people needed to implement and carry out the boycott, communications, networks, leadership, and money” (McClain and Stewart 49).

Furthermore, the black church not only called for but also helped create the catalytic leadership needed as church leaders were essentially inclined to be movement leaders as they already held that position in the social network and thus they had a dual status that enabled them to effectively facilitate action within the community. For instance, the Baton Rouge Boycott was led by Reverend T. J. Jemison set the tone for the movement as “his dual status as both a movement and a church leader placed him in a unique position to make an effortless, yet virtually important, contribution to the initiation of the movement”(McClain and Stewart 50).



This is an image of a mass meeting inside of Bethel Baptist Church of Birmingham, Alabama in 1963.

As the black church itself provided the structure necessary to facilitate a successful social movement, it was a sense of African American spirituality that unified blacks throughout slavery, segregation and the movement itself. The spirituality associated with the black church did three things for the movement. First, it unified everyone as religion had been a form of solace for African Americans throughout their oppressed times in this nation. Therefore, as massive oppression ensued, the idea of a common identity or shared experience emerged and was the basis for this spirituality and offered a sense of optimism as they tried to escape that oppression. Secondly, the goals of the movement were based on the whole not just on a few as the black church in the face of slavery and segregation always focused on the ultimate solution for all. Thus as theologian, Michael Battle, suggests that African American religious communities “sought to make sense of a tragic history and move toward a future, not just for themselves, but also for their nation, and the world” (7). Finally, the communal aspect of African American spirituality pervaded even when blacks faced of their oppressors and therefore the objectives of this movement were made through peaceful means. In all, the First Amendment allowed for the Freedom of Speech and Freedom of Religion that aided a people in attaining their rightful freedom and furthermore created an environment in

which their historical vehicle of solace (the black church) could play a monumental role in this movement as “the black church didn’t just theorize about democracy, it practiced democracy [and] from its roots there flowered the civil rights movement-creative, inclusive, and nonviolent” (Battle 7).

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